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Honorable Michael A. Shipp, U.S.D.J.
U.S. District Court of New Jersey
Clarkson S. Fisher Fed. Bldg. & U.S. Courthouse – Room 7000
402 E. State Street
Trenton, NJ 08608

Re: New Jersey Second Amendment Society v. Murphy, et al
Docket No.: 3:20-CV-05228-MAS-ZNQ
Our File No.: 110040.103304

Dear Judge Shipp:

As Your Honor recalls, this law firm represents the New Jersey Press Association (“NJPA”) in the above-captioned matter. On February 16, 2021, Plaintiffs filed a First Amended Complaint against NJPA and an additional party, Peggy Stephan Arbitell, in an attempt to “address[] the deficiencies identified” in Your Honor’s Opinion of January 31, 2021 and as permitted by Order of the same date. The Amended Complaint that Plaintiffs filed, however, is missing page 12, which appears to include, at the very least, paragraphs 23, 24 and portions of 25. Thus, NJPA is not in a position to file a responsive pleading or even to meaningfully evaluate whether a Motion to Dismiss or an Answer is appropriate, as NJPA does not have information on all of the allegations being made against it.

Furthermore, Local Rule 15.1(b) provides:

(b) Except as may be excused by the Court, ***a party who files an amended pleading in response to an Order authorizing the filing of that pleading to cure a defect in its pleading shall file:*** (1) a copy of the amended pleading, complete with a handwritten or electronic signature; and (2) ***a form of the amended pleading that shall indicate in what respect(s) it differs from the pleading that it amends***, by bracketing or striking through materials to be deleted and underlining materials to be added. Service shall be accomplished consistent with the Fed. R. Civ. P. and these Rules.

(Emphasis added). Plaintiffs have not filed an amended pleading in such form.

For these reasons, NJPA’s time for filing a responsive pleading should not begin to run until a complete First Amended Complaint is filed, including all allegations being made against

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Defendants. As such, once an appropriate Amended Complaint is filed, assuming it is timely, NJPA will assess and be guided by that Amended Complaint with respect to a responsive pleading.

If there are any concerns with NJPA proceeding in this manner, we respectfully request the Court's guidance in this regard. Thank you for your consideration.

Respectfully submitted,

s/Thomas J. Cafferty
THOMAS J. CAFFERTY

TJC/mlk